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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 MIKE MIKHA NAGARA,
18 Defendant.

19 Case No. 2:18-cr-00103-JAD-CWH

20 **STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES**
21 (First Request)
22 **AMENDED ORDER GRANTING
ECF No. 12**

23 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson,
24 United States Attorney, and Elham Roohani, Assistant United States Attorney, counsel
25 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
26 Nisha Brooks-Whittington, Assistant Federal Public Defender, counsel for Mike Mikha Nagara,
that the calendar call currently scheduled for June 11, 2018 at 1:30 p.m., and the trial scheduled
for June 19, 2018 at 9:00 a.m., be vacated and set to a date and time convenient to this Court,
but no sooner than sixty (60) days.

27 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
28 and including July 20, 2018, to file any and all pretrial motions and notices of defense.

29 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
30 shall have to and including August 3, 2018, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including August 10, 2018, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Counsel for the defendant needs additional time to review the discovery,
5 investigate the charges, and discuss possible defenses with her client.

6 2. The defendant is incarcerated and does not object to the continuance.

7 3. The parties agree to the continuance.

8 4. The additional time requested herein is not sought for purposes of delay, but
9 merely to allow counsel for defendant sufficient time within which to be able to effectively and
10 complete investigation of the discovery materials provided.

11 5. Additionally, denial of this request for continuance could result in a miscarriage
12 of justice. The additional time requested by this Stipulation is excusable in computing the time
13 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
14 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
15 Section 3161(h)(7)(B)(i), (iv).

16 This is the first stipulation to continue filed herein.

17 DATED this 21st day of May, 2018.

18 RENE L. VALLADARES
19 Federal Public Defender

DAYLE ELIESON
United States Attorney

20 /s/ *Nisha Brooks-Whittington*
21 By _____
22 NISHA BROOKS-WHITTINGTON
23 Assistant Federal Public Defender

24 /s/ *Elham Roohani*
25 By _____
26 ELHAM ROOHANI
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MIKE MIKHA NAGARA,
Defendant.

Case No. 2:18-cr-00103-JAD-CWH

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to review the discovery, investigate the charges, and discuss possible defenses with her client.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including July 20, 2018 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including August 3, 2018 to file any all responses.

IT IS FURTHER ORDERED that the parties shall have to and including August 10, 2018 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by September 4, 2018.

IT IS FURTHER ORDERED that the calendar call currently scheduled for June 11, 2018, at the hour of 1:30 p.m., be vacated and continued to September 4, 2018, at the hour of 1:30 p.m.; and the trial currently scheduled for June 19, 2018, at the hour of 9:00 a.m., be vacated and continued to September 11, 2018, at the hour of 9:00 a.m.

DATED this 19th day of June, 2018.

UNITED STATES DISTRICT JUDGE